IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23359 of 2004

Between:

D.Vijaya Rao, S/o.Late Ganga Rao,
Khanapur Mandal, Adilabad Dist.
R/o.Patha Ellapur.

..... PETITIONER

AND

1 The District Collector (Panchayat Wing), Adilabad District, Adilabad.
2 The Upa-Sarpanch, Gram Panchayat, Patha Ellapur, Khanapur Mandal, Adilabad District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction(s) essentially in the nature of writ of Mandmaus declaring the action of the Respondents herein in issuing the Impugned proceedings in No.618/K4.pts/02, dated 10-11-2004, issued by the Respondent No.1 herein, suspending the petitioner herein as Sarpanch of patha Ellapur Gram Panchayat, Khanapur Mandal, Adilabad District, as illegal, arbitrary, contrary to the section 249(6) of Andhra Pradesh Gram Panchayat Act 1994, violative of the principles of Natural Justice and violative of Articles 14 and 21 of the Constitution of India and set the same aside, and pass any such other order or orders.

Counsel for the Petitioner:MR.B.KRISHNA MOHAN

Counsel for the Respondent No.: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following :

ORDER:

The petitioner claims to be elected as Sarpanch for Patha Ellapur Gram Panchayat, Khanapur Mandal, Adilabad district and took charge on 20-08-2001. While so, the first respondent issued proceedings dated
10-11-2004 under section 249 (6) of the A.P.Panchayat Raj Act, 1994 (for short the Act) suspending the petitioner from the post of Sarpanch alleging certain financial irregularities. Questioning the said order, the present writ petition is filed.

Though several contentions were raised, learned Government Pleader for Panchayat Raj submitted that as against the impugned order, an alternative remedy of revision is provided under section 264 of the Act and without availing such remedy the petitioner has approached this Court and the writ petition is not maintainable.

Heard the learned counsel for petitioner and learned Government Pleader for Panchayat Raj. Both counsel agreed for disposal of the writ petition at the admission stage.

Since, an alternative remedy of revision is provided against the impugned order, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition permitting the petitioner to avail the remedy of revision under Section 264 of the Act, within a period of six weeks from the date of receipt of copy of this order. Till then, status quo existing as on today shall be maintained.

Subject to above, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

16-12-2004

TVK

To

1 The District Collector (Panchayat Wing), Adilabad District, Adilabad.
2 The Upa-Sarpanch, Gram Panchayat, Patha Ellapur, Khanapur Mandal, Adilabad District.

3.2CCs to G.P. for Panchayat Raj, High Court of A.P buildings, Hyd (OUT)

4.2CD copies

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